

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SAMANTHA ELIZABETH P.,

Plaintiff,

v.

**STIPULATION AND ORDER**

5:23-cv-00889-GTS-MJK

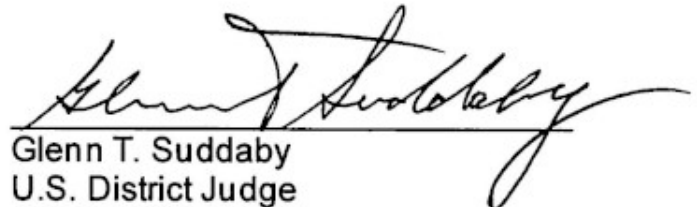
MARTIN J. O'MALLEY,  
Commissioner of Social Security,

Defendant.  
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This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Fergus Kaiser, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken and a new decision will be issued; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 13th day of April, 2024 ;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

  
Glenn T. Suddaby  
U.S. District Judge

The undersigned hereby consent to the form and entry of the within order.

CARLA B. FREEDMAN  
United States Attorney

Dated: New York, New York  
April 11, 2024

By: /s/ Fergus Kaiser  
FERGUS KAISER  
Special Assistant United States Attorney  
c/o Social Security Administration  
Office of the General Counsel  
6401 Security Boulevard  
Baltimore, MD 21235  
212-264-2049  
Email: fergus.kaiser@ssa.gov

Dated: Amherst, New York  
April 11, 2024

Law Offices of Kenneth Hiller, PLLC  
*Attorney for Plaintiff*

By: /s/ Justin M. Goldstein  
JUSTIN M. GOLDSTEIN  
Law Offices of Kenneth Hiller, PLLC  
6000 North Bailey Avenue - Suite 1A  
Amherst, NY 14226  
716-564-3288  
Fax: 716-332-1884  
Email: jgoldstein@kennethhiller.com